

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 23547 of 2007(C)

PETITIONER:

HUTCHISON ESSAR CELLULAR LTD.,
ASHISH BUILDING, COCHIN-31, REPRESENTED BY ITS
MANAGER LEGAL, RAJESH, MELETH VEETIL,
AGED 36 YEARS, S/O. RAGHAVAN MELEHVEETIL.

BY ADV. SRI.P.SATHISAN

RESPONDENTS:

1. SECRETARY,
CHERAVANOOR GRAMA PANCHAYATH.
2. CHERAVANOOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, CHERAVANOOR.
3. SECRETARY,
LOCAL ADMINISTRATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.D.BABU
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- | | |
|--------|---|
| EXT.P1 | TRUE COPY OF LICENSE AGREEMENT |
| EXT.P2 | TRUE COPY OF AMENDMENT IN THE LEASE AGREEMENT DTD.
3-4-02 ISSUED BY SANCHAR BHAVAN , NEW DELHI |
| EXT.P3 | TRUE COPY OF APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE RESPONDENT. |
| EXT.P4 | TRUE COPY OF RECEIPT DTD. 18-11-06 ISSUED BY R1 |

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No. 23547 OF 2007

Dated this the 14th day of August, 2007

JUDGMENT

Petitioner has approached this court seeking a direction to consider and take a decision on Ext.P3 . Ext.P3 is the application for permit.

Case of the petitioner in brief is as follows:

Petitioner is a company engaged in providing mobile cellular services throughout the State of Kerala and other places . Petitioner made Ext.P3 application before the first respondent. Ext.P4 is the receipt in this regard. Ext.P3 was accompanied by structural stability certificate, lease deed in favour of the petitioner, site plan and all the allied supporting documents as required by the Kerala Municipality Building Rules. The complaint of the petitioner is that Ext.P3 has not been considered.

2. I heard learned counsel for the petitioner and the learned counsel for the Panchayat.

3. Counsel for the petitioner submits that Ext.P3 was

submitted at the time when Building Rules were not applicable. He submits that petitioner is prepared to submit an application seeking permit under the Building Rules and that it may be directed to be considered.

In such circumstances, the writ petition is disposed of directing that if the petitioner files an application seeking building permit under the Building Rules within two weeks from today, the first respondent will consider the same and take a decision in the matter in accordance with law within a period of one month from the date of receipt of the application. In taking a decision, the first respondent will also consider the decision of this court reported in **Reliance Infocomm. Ltd. v. The Chemanchery Grama Panchayat** (2006 (4) ILR 357).

(K.M.JOSEPH, JUDGE)

SV.

